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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,472	05/02/2007	Goran Dahlberg	ABEI-41355	1306
116 7590 02/23/2010 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108				
EXAMINER DENTER, CLARK F				
ART UNIT		PAPER NUMBER		
3724				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/594,472

**Applicant(s)**

DAHLBERG, GORAN

**Examiner**

Clark F. Dexter

**Art Unit**

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-11 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 27 September 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment filed on November 2, 2009 has been entered.

#### ***Drawings***

2. Contrary to applicant's remarks on page 7 of the subject response, drawings were NOT received with the amendment of November 2, 2009.

3. The drawings stand objected to because of the following informalities:

In Figure 1, numerals or the like (e.g., 13a) should be provided to indicate the cutting elements.

In Figure 4, numeral 28 is used twice to indicate two different features which is improper.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112, 2<sup>nd</sup> paragraph***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 3, the recitations "the transport position" (with respect to its dependency from claim 3 when claim 3 depends from claim 1) and "the working position" each lack positive antecedent basis.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Stegall et al., pn 5,867,910.

Stegall discloses a device with every structural limitation of the claimed invention including:

a drive unit (e.g., 20) that via a shaft tube (e.g., 18, 24) is connected to a cutting unit (e.g., 12) that is operable to have a cutting movement and that is turnably secured at the shaft tube and is moveable between at least two positions (e.g., see Figs. 2, 3), the cutting unit being provided with one or several movable cutting elements (e.g., 14) that have a cutting movement during operation of the cutting unit characterized in that the tool is provided with first means (e.g., including 62, see col. 5, lines 10-16) for locking operation of the cutting unit and the cutting movement of the cutting elements when the cutting unit is in at least one of said positions;

[claim 2] characterized in that said locking position is a transport position.

8. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura, Pub. No. 2004/0237317.

Matsuura discloses a device with every structural limitation of the claimed invention including:

a drive unit (e.g., see the end of paragraph 0018) that via a shaft tube (e.g., 1) is connected to a cutting unit (e.g., 5) that is operable to have a cutting movement and that is turnably secured at the shaft tube and is moveable between at least two positions (e.g., see paragraph 0021, particularly lines 1-4), the cutting unit being provided with

one or several movable cutting elements (e.g., including 3, 4) that have a cutting movement during operation of the cutting unit characterized in that the tool is provided with first means (e.g., 22 including the structure shown in Figs. 1, 2) for locking operation of the cutting unit and the cutting movement of the cutting elements when the cutting unit is in at least one of said positions;

[claim 2] characterized in that said locking position is a transport position;

[claim 3 (from 1 or 2)] characterized in that the tool is provided with a gear (e.g., 14) arranged between the shaft tube and the cutting unit and that said first means locks (e.g., see Fig. 2) at least one of the movable parts in the gear transmitting the drive force from said drive unit to the cutting unit;

[claim 4 (from 3)] characterized in that the gear comprises a gear housing formed by a first and a second gear housing parts (e.g., 6, 7) that are turnably supported to one another and that said first means is arranged at said second part (e.g., 7);

[claim 5 (from 4)] characterized in that said first means extends through the gear housing wall (e.g., including the manner shown in Fig. 2);

[claim 6 (from 5)] characterized in that said first means is under the influence of a spring (e.g., 27, 28);

[claim 7 (from 4)] characterized in that said first means are influenced by a cam surface (26a, 26b);

[claim 8 (from 7)] characterized in that said cam surface is fixed to the first gear housing part (6).

[claim 9 (from 4)] characterized in that one of the gear housing parts (e.g., 6) are provided with a knob (e.g., the reciprocable portion of 1 as shown in Fig. 4 indicated by the double-headed arrow, and including 20) that engages a stop member (e.g., 19) on the other gear housing part (e.g., 7) in order to limit the angular motion of the cutting unit within a working position range;

[claim 10 (from 9)] characterized in that said locking position is a transport position, and that the knob is arranged to be released manually when turning the cutting unit from the working position range to the transport position;

[claim 11 (from 9)] characterized in that the knob is arranged to be released manually or automatically when turning the cutting unit from the transport position to the working position.

### ***Response to Arguments***

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
February 18, 2010